

Panaji, 14th May, 1981 (Vaisaka 24, 1903)

SERIES I No. 7

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

#### Notification

1/22/74-PER (Vol. IV)

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7(11)/62-Goa dated 25-7-1963, the Lt. Governor of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to Group 'B' Gazetted post of Assistant Labour Commissioner in the office of Commissioner, Labour and Employment, Panaji under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Government of Goa, Daman and Diu, Office of the Commissioner, Labour and Employment Group 'B' Gazetted post of Assistant Labour Commissioner Recruitment Rules, 1981.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scales of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in column 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

5. **Disqualification.** — No person (1) who has entered into or contracted a marriage with a person

having a spouse living; or (2) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service; provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. **Power to relax.** — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

7. **Saving.** — Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

8. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

9. These Rules are issued with the approval of the Union Public Service Commission granted vide their letter No. F.3/29(6)/80-RR dated 13-2-1981 and in supersession of the recruitment rules existing for the post.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 23rd April, 1981.

# SCHEDULE

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Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether benefit of added years of service admissible under rule 30 of the C. S. (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruit will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D.P.C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Assistant Labour Commissioner	2	General Central Service Group 'B' Gazetted.	Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200.	Selection	Not exceeding 30 years. (Relaxable for Government Servants). <i>Note:</i> The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (Other than those in Andaman and Nicobar Islands & Lakshadweep).	No	<p><i>Essential:</i></p> <p>i) Degree of a recognised University or equivalent.</p> <p>ii) Post-graduate Degree/Diploma in Social Work or Labour Welfare or Industrial Relations or Personnel Management or in any other allied subject of a recognised University/Institution or equivalent.</p> <p>iii) 3 years' experience in a responsible capacity of labour welfare work, industrial relations or personnel management in an Organisation employing substantial labour force.</p> <p><i>Note: 1</i> — Qualifications are relaxable at the discretion of the U.P. S.C. in case of candidates otherwise well qualified.</p> <p><i>Note: 2</i> — The qualification(s) regarding experience is/are relaxable at the discretion of the U.P.S.C. in the case of candidates belonging to scheduled castes and scheduled tribes if, at any stage of selection the U.P. S. C. is of the opinion</p>	Age-No. Edl. Qualification: Yes.	2 years	By promotion failing which by transfer on deputation and failing both by direct recruitment.	<p><i>Promotion:</i></p> <p>Labour Inspectors with 8 years' regular service in the grade.</p> <p><i>Transfer on deputation:</i></p> <p>(a) Officers under the Central/State Government and Union Territories:</p> <p>i) holding analogous posts or</p> <p>ii) with 3 years' service in posts in the scale of Rs. 550-900 or equivalent; or</p> <p>iii) with 8 years' service in posts in the scale of Rs. 425-700 or equivalent; and</p> <p>(b) possessing the educational qualifications and experience laid down for direct recruits in Column 7.</p> <p>(Period of deputation shall ordinarily not exceed three years).</p>	<p>Group 'B' D.P.C.</p> <p>1) Chief Secretary-Chairman.</p> <p>2) Administrative Secretary-Member.</p> <p>3) Head of Department-Member.</p> <p><i>Note:</i> The proceedings of the D.P.C. relating to confirmation of a direct recruit shall be sent to the Commission for approval. If, however, these are not approved by the Commission a fresh meeting of the DPC to be presided over by the Chairman or a Member of the U.P.S.C. shall be held.</p>	Consultation with the Union Public Service Commission necessary while making direct recruitment, selecting an officer for appointment on deputation and amending/relaxing any of the provisions of these rules.

## Law Department (Legal Advice)

## Notification

7/1/80-LGL

The following Central Act namely—The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Amendment Act, 1980 (55 of 1980) which was recently passed by the Parliament and assented to by the President of India on 9th December, 1980, published in the Gazette of India, Part II, Section I dated 10th December, 1980 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 9th February, 1981.

The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Amendment Act, 1980

AN

ACT

to amend the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Amendment Act, 1980.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 12 of Act 13 of 1976.*—In section 12 of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (hereinafter referred to as the principal Act),—

(a) after sub-section (6), the following sub-section shall be inserted, namely:—

“(6A) Notwithstanding anything contained in sub-section (6), where the Chairman considers it necessary so to do for the expeditious disposal of appeals under this section, he may constitute a Bench of two members and a Bench so constituted may exercise and discharge the powers and functions of the Appellate Tribunal:

Provided that if the members of a Bench so constituted differ on any point or points, they shall state the point or points on which they differ and refer the same to a third member (to be specified by the Chairman) for hearing on such point or points and such point or points shall be decided according to the opinion of that member.”;

(b) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) On application to the Appellate Tribunal and on payment of the prescribed fee, the Tribunal may allow a party to any appeal or any person authorised in this behalf by such party to inspect at any time during office hours, any

that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

## Desirable:

- i) Degree in Law of a recognised University.
- ii) Knowledge of Konkani and Marathi.

relevant records and registers of the Tribunal and obtain a certified copy of any part thereof.”.

3. *Amendment of section 26.* — In section 26 of the principal Act, in sub-section (2), after clause (a), the following clause shall be inserted, namely: —

“(aa) the fees which shall be paid for the inspection of the records and registers of the Appellate Tribunal or for obtaining a certified copy of any part thereof under sub-section (8) of section 12;”.

#### Notification

7/1/80-LGL

The following Central Acts namely — The Advocates (Amendment) Act, 1980 (47 of 1980) and The Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Amendment Act, 1980 (50 of 1980) which were recently passed by the Parliament and assented to by the President of India on 29/11 and 3/12 respectively and published in the Gazette of India, Part II, Section I dated 29/11 and 4/12 respectively are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 12th February, 1981.

#### The Advocates (Amendment) Act, 1980

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ACT

*further to amend the Advocates Act, 1961*

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the Advocates (Amendment) Act, 1980.

2. *Amendment of section 17.* — In section 17 of the Advocates Act, 1961 (hereinafter referred to as the principal Act), after clause (d) of sub-section (3), the following clause shall be inserted, namely: —

“(e) notwithstanding anything contained in clause (a), the seniority of an attorney enrolled [whether before or after the commencement of the Advocates (Amendment) Act, 1980] as an advocate shall be determined in accordance with the date of his enrolment as an attorney.”.

2. *Amendment of section 23.* — In section 23 of the principal Act, —

(i) after sub-section (3), the following sub-section shall be inserted, namely: —

“(3A) Subject to the provisions of sub-sections (1), (2) and (3), the second Additional Solicitor-General of India shall have pre-audience over all other advocates.”;

(ii) in sub-section (4), for the brackets, figures and word “(2) and (3)”, the brackets, figures, word and letter “(2), (3) and (3A)” shall be substituted.

#### The Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Amendment Act, 1980

AN  
ACT

*to amend the Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Act, 1978.*

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Amendment Act, 1980.

2. *Amendment of section 5.* — In section 5 of the Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Act, 1978 (hereinafter referred to as the principal Act), in sub-section (2), in clause (b), the following shall be, and shall be deemed always to have been, inserted at the end, namely: —

“, but excluding loans advanced, on or after such date, by a bank to the Company to the extent such loans have been utilised by the Company for the re-payment of, or the payment of interest on, secured loans advanced to the Company by a bank at any time before such date”.

2. *Amendment of the Schedule.* — In the Schedule to the principal Act, in Category III, after the words “Secured loans”, the following shall be, and shall be deemed always to have been, inserted, namely: —

“, including loans advanced, on or after the date of taking over, by a bank to the Company to the extent such loans have been utilised by the Company for the re-payment of, or the payment of interest on, secured loans advanced to the Company by a bank at any time before the date of taking over”.